

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

PHILLIP M. ADAMS, et al.,
Plaintiffs,

vs.

GATEWAY, INC., f/k/a GATEWAY 2000,
INC., a Delaware corporation,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING GATEWAY'S
MOTION IN LIMINE TO EXCLUDE
THE DMR CONSULTING
GROUP'S PATENT EVALUATION

Case No. 2:02-CV-106 TS

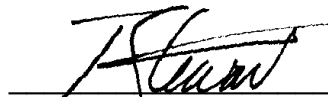
This matter is before the Court on Gateway's Motion in Limine to Exclude the DMR Consulting Group's Patent Evaluation as hearsay.

Having reviewed the entire record in this case, the Court finds that the DMR Consulting Group's Patent Evaluation (Patent Evaluation) constitutes a "party admission" under Fed.R.Evid. 801(d)(2)(D). The Court further finds that the Patent Evaluation is admissible for the limited purpose of showing Gateway's state of mind and not for the truth of the report. It is therefore

ORDERED that Gateway's Motion in Limine to Exclude the DMR Consulting Group's Patent Evaluation (Docket No. 533) is DENIED.

DATED this 30th day of March, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

TED STEWART
United States District Judge